THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 14814 of 2007

Date:12-07-2007

Between:

Kamesh Malpariya .. **PETITIONER**

AND

The Govt. of A.P. rep. By its Secretary, S.W., Hyderabad and three others

.. **RESPONDENTS**

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ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not considering his application dated 12.11.2006 for issuance of community or caste certificate to his son for education purpose, as illegal and arbitrary.

It is the case of the petitioner that Jiyaguda Raiger Mochi Samaj represented by its President Gopal Ram submitted a representation on 12.11.2006 before the Revenue Divisional Officer, Begumpet, Secunderabad for issuance of caste certificate to the father of the petitioner, his sisters and brothers who are residents of H.No.6-3-609/70/A/1, Anand Nagar Colony, Khairatabad, Hyderabad. It is stated that along with the said representation, the necessary duly filled and signed application addressed to the Madnal Revenue Officer, Khairatabad mandal, Hyderabad was also enclosed and the said representation filed on 12.11.2006 for issuance of the caste certificate in favour of the petitioner's family members before the third respondent was forwarded to the Mandal Revenue Officer, Khairatabad. It is stated that the enquiry is pending before the 4th respondent and the 4th respondent has not completed the enquiry and no report has been submitted to the third respondent for issuance of the necessary caste certificate.

Learned Government Pleader for Home appearing for the respondents submits that the enquiry is pending before the 4th respondent and the 4th respondent directed the petitioner to produce the Mochi certificate of their blood relatives issued in their native place so as to consider their application, but they have not filed any blood relative certificate. According to the enquiries so far made, it is clear

that the petitioner's family migrated from Delhi to Hyderabad and admittedly their caste in Delhi is 'Raiger' community, but not Mochi community and 'raiger' community is not recognized as scheduled caste in State of Andhra Pradesh.

However, as the enquiry is pending before the respondents 2 and 3, it is not just and proper to express any opinion. Therefore, the respondents 2 and 3 are directed to complete the enquiry by following due process of law and pass appropriate final orders on the application dated 12.11.2006 filed by the petitioner as expeditiously as possible.

Accordingly, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:12.07.2007
ccm